



Emerald Coast Wildlife Refuge, Inc.  
105 Santa Rosa Blvd.  
Fort Walton Beach, FL 32548

### **CITATION AND NOTIFICATION OF PENALTY**

We believe that you violated the Animal Welfare Act (7 U.S.C. § 2131 et seq.) (AWA), as described below.

#### **Date of Violation: On or about February 11, 2014**

##### **9 C.F.R. § 2.131(b)(1) Handling of animals.**

(b)(1) Handling of all animals shall be done as expeditiously and carefully as possible in a manner that does not cause trauma, overheating, excessive cooling, behavioral stress, physical harm, or unnecessary discomfort.

You failed to handle animals as expeditiously and carefully as possible in a manner that did not cause trauma, physical harm, or unnecessary discomfort. A guenon and a patas monkeys were let out of their night houses by a keeper so they could eat. The ambient temperature was approximately 20 degrees Fahrenheit and the concrete floors were covered in ice. The tails of the nonhuman primates developed frostbite and parts of their tails subsequently had to be amputated.

#### **Date of Violation: June 6, 2014-August 12, 2014**

##### **9 C.F.R. § 2.40(b)(2) Attending veterinarian and adequate veterinary care (dealers and exhibitors).**

(b) Each dealer or exhibitor shall establish and maintain programs of adequate veterinary care that include:

(2) The use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries, and the availability of emergency, weekend, and holiday care;

You failed to provide adequate veterinary care and use appropriate methods to prevent, control, diagnose, and treat diseases and injuries. On June 6, 2014, you netted and sedated five wolves to move them to a new enclosure. The attending veterinarian gave the wolves a brief physical exam, vaccinated them, applied topical parasite control, and took blood samples for heartworm testing. Two wolves subsequently died that day of pulmonary embolism. The necropsy identified that the animals had severe heartworm disease. You euthanized a third wolf on June 20, 2014, due to kidney stones and suspected renal failure. The remaining two wolves were also diagnosed as having heartworm disease, but were not receiving treatment because your staff could not separate them to feed the veterinarian-recommended treatment.

**Date of Violation: August 12, 2014**

**9 C.F.R. § 2.40(b)(2)** Attending veterinarian and adequate veterinary care (dealers and exhibitors).

(b) Each dealer or exhibitor shall establish and maintain programs of adequate veterinary care that include:

(2) The use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries, and the availability of emergency, weekend, and holiday care;

You failed to provide adequate veterinary care and use appropriate methods to prevent, control, diagnose, and treat diseases and injuries. A baboon identified as "Ilean" was diagnosed with whipworms and received a deworming on August 23, 2013 and a second (most recent) deworming on April 4, 2014. The Program of Veterinary Care indicates deworming shall occur quarterly.

**Date of Violation: September 11, 2014**

**9 C.F.R. § 2.131(c)(1)** Handling of animals.

(c)(1) During public exhibition, any animal must be handled so there is minimal risk of harm to the animal and to the public, with sufficient distance and/or barriers between the animal and the general viewing public so as to assure the safety of animals and the public.

You failed to provide sufficient distance and/or barriers between the animals and the general viewing public so as to assure the safety of animals and the public. The primary enclosures for the wolves, llamas, nilgai, muntjac, wallaby, pigs, fallow deer, axis deer, goats and cow did not have a barrier fence.

**Date of Violation: January 12, 2015**

**9 C.F.R. § 3.75(c)(3)** Housing facilities, general.

(c) Surfaces— (3) Cleaning. Hard surfaces with which nonhuman primates come in contact must be spot-cleaned daily and sanitized in accordance with § 3.84 of this subpart to prevent accumulation of excreta or disease hazards. If the species scent mark, the surfaces must be sanitized or replaced at regular intervals as determined by the attending veterinarian in accordance with generally accepted professional and husbandry practices. Floors made of dirt, absorbent bedding, sand, gravel, grass, or other similar material, and planted enclosures must be raked or spot cleaned with sufficient frequency to ensure all animals the freedom to avoid contact with excreta. Contaminated material must be removed or replaced whenever raking and spot cleaning does not eliminate odors, diseases, insects, pests, or vermin infestation. All other surfaces of housing facilities must be cleaned and sanitized when necessary to satisfy generally accepted husbandry standards and practices. Sanitization may be done by any of the methods provided in § 3.84(b)(3) of this subpart for primary enclosures.



You failed to spot clean daily. The enclosures containing a patas monkey and two mona monkeys had tree limbs and/or tree stumps in the enclosures that were covered in a green growth.

**Date of Violation: January 12, 2015**

**9 C.F.R. § 3.125(a) Facilities, general.**

(a) Structural strength. The facility must be constructed of such material and of such strength as appropriate for the animals involved. The indoor and outdoor housing facilities shall be structurally sound and shall be maintained in good repair to protect the animals from injury and to contain the animals.

You failed to construct facilities of such material and strength as appropriate and to maintain them in good repair.

1. The tiger night building had water damage to the ceiling with wood that was rotting and falling apart.
2. The wallaby shelter had three exposed nail heads along a support board at ground level.

**Date of Violation: January 12, 2015**

**9 C.F.R. § 3.127(d) Facilities, outdoor.**

(d) Perimeter fence. On or after May 17, 2000, all outdoor housing facilities (i.e., facilities not entirely indoors) must be enclosed by a perimeter fence that is of sufficient height to keep animals and unauthorized persons out. Fences less than 8 feet high for potentially dangerous animals, such as, but not limited to, large felines (e.g., lions, tigers, leopards, cougars, etc.), bears, wolves, rhinoceros, and elephants, or less than 6 feet high for other animals must be approved in writing by the Administrator. The fence must be constructed so that it protects the animals in the facility by restricting animals and unauthorized persons from going through it or under it and having contact with the animals in the facility, and so that it can function as a secondary containment system for the animals in the facility. It must be of sufficient distance from the outside of the primary enclosure to prevent physical contact between animals inside the enclosure and animals or persons outside the perimeter fence. Such fences less than 3 feet in distance from the primary enclosure must be approved in writing by the Administrator.

You failed to enclose an outdoor facility with a perimeter fence that protects the animals by restricting animals or unauthorized persons from going through it or under it. The perimeter fence adjacent to the diet facility had a space approximately a foot from the ground to the bottom of the fencing. There was an overgrowth of foliage and the fencing was rusted and broken.

**Date of Violation: May 6, 2015**

**9 C.F.R. § 2.131(c)(1) Handling of animals.**

(c)(1) During public exhibition, any animal must be handled so there is minimal risk of harm to the animal and to the public, with sufficient distance and/or

barriers between the animal and the general viewing public so as to assure the safety of animals and the public.

You failed to provide sufficient distance and/or barriers between the animals and the general viewing public so as to assure the safety of animals and the public. The primary enclosures for the llamas, muntjac, pigs, goats and sheep did not have an adequate barrier fence.

**Date of Violation: May 6, 2015**

**9 C.F.R. § 3.75(c)(3) Housing facilities, general.**

(c) Surfaces— (3) Cleaning. Hard surfaces with which nonhuman primates come in contact must be spot-cleaned daily and sanitized in accordance with § 3.84 of this subpart to prevent accumulation of excreta or disease hazards. If the species scent mark, the surfaces must be sanitized or replaced at regular intervals as determined by the attending veterinarian in accordance with generally accepted professional and husbandry practices. Floors made of dirt, absorbent bedding, sand, gravel, grass, or other similar material, and planted enclosures must be raked or spot cleaned with sufficient frequency to ensure all animals the freedom to avoid contact with excreta. Contaminated material must be removed or replaced whenever raking and spot cleaning does not eliminate odors, diseases, insects, pests, or vermin infestation. All other surfaces of housing facilities must be cleaned and sanitized when necessary to satisfy generally accepted husbandry standards and practices. Sanitization may be done by any of the methods provided in § 3.84(b)(3) of this subpart for primary enclosures.

You failed to remove or replace contaminated material. The straw bedding in the den in the mona monkeys' enclosure had insects and bugs crawling in it.

**Date of Violation: May 6, 2015**

**9 C.F.R. § 3.84(d) Cleaning, sanitization, housekeeping, and pest control.**

(d) Pest control. An effective program for control of insects, external parasites affecting nonhuman primates, and birds and mammals that are pests, must be established and maintained so as to promote the health and well-being of the animals and reduce contamination by pests in animal areas.

You failed to implement an effective program for control of insects and external parasites affecting nonhuman primates. The straw bedding in the mona monkeys' den had insects and bugs crawling in it.

**Date of Violation: May 6, 2015**

**9 C.F.R. § 3.125(a) Facilities, general.**

(a) Structural strength. The facility must be constructed of such material and of such strength as appropriate for the animals involved. The indoor and outdoor housing facilities shall be structurally sound and shall be maintained in good repair to protect the animals from injury and to contain the animals.



You failed to construct facilities of such material and strength as appropriate and to maintain them in good repair.

1. The tiger night building had water damage to the ceiling with wood that was rotting and falling apart.
2. The wallaby shelter had two exposed nail heads at ground level.

**Date of Violation: May 6, 2015**

**9 C.F.R. § 3.127(d) Facilities, outdoor.**

(d) Perimeter fence. On or after May 17, 2000, all outdoor housing facilities (i.e., facilities not entirely indoors) must be enclosed by a perimeter fence that is of sufficient height to keep animals and unauthorized persons out. Fences less than 8 feet high for potentially dangerous animals, such as, but not limited to, large felines (e.g., lions, tigers, leopards, cougars, etc.), bears, wolves, rhinoceros, and elephants, or less than 6 feet high for other animals must be approved in writing by the Administrator. The fence must be constructed so that it protects the animals in the facility by restricting animals and unauthorized persons from going through it or under it and having contact with the animals in the facility, and so that it can function as a secondary containment system for the animals in the facility. It must be of sufficient distance from the outside of the primary enclosure to prevent physical contact between animals inside the enclosure and animals or persons outside the perimeter fence. Such fences less than 3 feet in distance from the primary enclosure must be approved in writing by the Administrator.

You failed to enclose an outdoor facility with a perimeter fence that protects the animals by restricting animals or unauthorized persons from going through it or under it. The perimeter fence adjacent to the diet facility had a space approximately a foot from the ground to the bottom of the fencing. There was an overgrowth of foliage and the fencing was rusted and broken.

The penalty for the alleged violation(s) described above is \$9,929.